

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

VICTORIA MCCLOUD, :
and BARBARA BOYLE, :
Plaintiffs : NO.: 4:CV-04-2322
V. :
: JUDGE MUIR
CITY OF SUNBURY, :
Defendant : JURY TRIAL DEMANDED

RESPONSE OF DEFENDANT, CITY OF SUNBURY TO PLAINTIFFS'
MOTION FOR ATTORNEY FEES AND EXPENSES

Defendant, City of Sunbury, by and through its counsel, Marshall, Dennehey, Warner, Coleman & Goggin, hereby responds to Plaintiffs' Motion for Attorney Fees and Expenses, and requests a reduction of same for the reasons set forth below:

1. Admitted in part; denied in part. It is admitted only that Plaintiffs filed Complaints, claiming Defendant sexually harassed them, discriminated

against them on the basis of their gender resulting in a hostile work environment, and retaliated against them on account of claiming to have been discriminated against in contravention of both federal and state law. It is specifically denied that Defendant sexually harassed Plaintiffs, discriminated against Plaintiffs on the basis of their gender resulting in a hostile work environment, and/or retaliated against them on the basis of her gender in contravention of Title VII of the Civil Rights Act of 1964 and the Pennsylvania Human Relations Act.

2. Admitted in part; denied in part. It is admitted that Title VII and the PHRA permitted an award of attorney's fees and costs to a prevailing party in a gender discrimination claim. It is specifically denied that Plaintiff is entitled to an award of fees and costs for the amount claimed in the instant petition pursuant to federal and/or state law.

3. Admitted in part; denied in part. It is admitted that Plaintiffs were the prevailing party. It is denied that Plaintiffs were a prevailing party on their claims of sexual harassment, discrimination and retaliation claims. To the contrary, Plaintiffs were successful only on the retaliation claims against Defendant, City of Sunbury.

4. Admitted.

5. Admitted.

6. Admitted in part; denied in part. It is admitted that Plaintiffs attach several exhibits relating to their Motion for attorney's fees to their Motion. It is specifically denied that Plaintiffs are entitled to an award of fees and costs in the amount requested. To the contrary, the fees and costs requested by Plaintiffs should be reduced for the reasons more fully set forth in the accompanying Memorandum of Law filed contemporaneously herewith.

7. Admitted in part; denied in part. It is admitted that Plaintiffs attach several exhibits relating to their Motion for attorney's fees to their Motion. It is specifically denied that Plaintiffs are entitled to an award of fees and costs in the amount requested. To the contrary, the fees and costs requested by Plaintiffs should be reduced for the reasons more fully set forth in the accompanying Memorandum of Law filed contemporaneously herewith.

8. Defendant is without sufficient information or knowledge to admit or deny this allegation.

9. Admitted in part; denied in part. It is admitted that Plaintiffs attach several exhibits relating to their Motion for attorney's fees to their Motion. It is specifically denied that Plaintiffs are entitled to an award of fees and costs in the amount requested. To the contrary, the fees and costs requested by Plaintiffs should be reduced for the reasons more fully set forth in the accompanying Memorandum of Law filed contemporaneously herewith.

WHEREFORE, Defendant, City of Sunbury, requests this Honorable Court to enter an Order reducing the amount of fees and costs requested by the Plaintiffs, as more fully set forth in the accompanying Memorandum and proposed Order.

Respectfully submitted,

**MARSHALL, DENNEHEY, WARNER,
COLEMAN & GOGGIN**

DATE: 12/27/05

BY: s/Sharon M. O'Donnell
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CERTIFICATION OF SERVICE

I hereby certify that I have served upon all parties listed below via electronic filing a true and correct copy the foregoing documents in the above-captioned matter this date.

Michael J. Zicolello, Esquire
SCHEMERY & ZICOLELLO
333 Market Street
Williamsport, PA 17701

**MARSHALL, DENNEHEY, WARNER
COLEMAN AND GOGGIN**

DATE: 12/27/05

BY: s/Sharon M. O'Donnell
SHARON M. O'DONNELL, ESQUIRE

*Attorneys for Defendants,
City of Sunbury*